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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/296,202 04/21/99 COLLART

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022242 TM02/1101  
FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO IL 60603-3406

EXAMINER

SHEPP, C

ART UNIT

PAPER NUMBER

2161  
DATE MAILED:

11/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/296,202	COLLART, TODD R.
	Examiner	Art Unit
	Cristina Owen Sherr	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) \_\_\_\_\_ is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. Claims 1 – 19 were examined.

### ***Drawings***

2. The drawings are objected to because the views are not labeled separately on Figure 4. Additionally, the “gray” must be removed from the characters in Figures 2 and
4. Correction is required.

### ***Specification***

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choudhury et al (US 5,509,074A) in view of Krishnan et al (US 6,073,124A). Choudhury teaches a method for tracking the distribution of content electronically, comprising the steps of: incorporating an electronic storage medium tracking identifier onto an electronic storage medium; detecting the tracking information when the

package is coupled with a computer; transmitting the tracking information to a server computer; and determining appropriate support information utilizing logic in the server computer to transmit to the computer; wherein the server computer performs a table lookup to determine the retailer that sold the package; wherein the server computer is coupled to the computer via a network; wherein the server computer transmits information utilizing an internet protocol; and wherein a transaction is written to a database memorializing processing. (Cols. 2-6). Krishnan discloses a method for tracking the distribution of content electronically as recited above wherein support information is passed to the server to identify pertinent support information. (Cols. 6-10). It would be obvious to one skilled in the art to combine the teaching of Choudhury and Krishnan in order to more provide greater security in online transactions.

6. Claims 7 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell (US 5,651,064A) in view of Krishnan et al (6,073,124A). Newell discloses an apparatus for tracking the distribution of content electronically, comprising a optical disc electronic storage medium having a burst cut area; and a digital code stored in the burst cut area; the digital code representative of an identifier of content on the optical disc electronic storage medium; the apparatus including logic that detects the tracking information when the electronic storage medium is coupled with a computer; the apparatus including logic that transmits the tracking information to a server computer; and the apparatus including logic in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to the computer; wherein the server computer performs a table lookup to determine the retailer that sold

the package; wherein the server computer is coupled to the computer via a network; wherein the server computer transmits information utilizing an internet protocol. (Cols. 3-6). Krishnan discloses an apparatus, as described above for tracking the distribution of content electronically, wherein a transaction is written to a database memorializing processing. (Cols. 6-14). It would be obvious to one skilled in the art to combine the teaching of Newell and Krishnan in order to more provide greater and more economical security in online transactions.

7. Claims 12 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell (US 5,651,064A) in view of Choudhury et al (US 5,509,074A). Newell discloses a program embodied on a computer readable medium for identifying and providing a response to the use of an electronic storage medium having an identifier incorporated thereon, the program comprising: a code segment that reads the identifier of the electronic storage medium upon being input into a computer by a user; a code segment that detects the tracking information when the package is coupled with a computer; a code segment that transmits the tracking information to a server computer; and a code segment in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to the computer. The program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited above, wherein the server computer is coupled to the computer via a network. The program for identifying and providing a response to the use of an electronic storage medium having an identifier incorporated thereon as recited above wherein the server computer initiates support of authorized

information utilizing a transaction from the server computer. The program for identifying and providing a response to use of a electronic storage medium having an identifier incorporated thereon as recited above, including a. code segment that receives live support information from the server computer. The program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited above , including a code segment that transmits support criteria to the server computer. The program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, including a code segment that posts support indicia of video, user information, and a suitable player to a database. (Cols. 2-6). Choudhury teaches a program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited above, wherein the *server* computer performs a table lookup to determine the retailer that sold the package, as well as the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited above, wherein a transaction is written to a database memorializing processing. (Cols. 2-6). It would be obvious to one skilled in the art to combine the teaching of Newell and Choudhury in order to more provide greater and more economical security in online transactions.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

9. DeMont, in US 6,173,403B1 discloses a method and apparatus for distributing information products.

10. Woodley et al, in US 5,804,810A, discloses a method of communicating with electronic tags.

11. Any inquiry concerning this communication from the Examiner should be directed to Cristina Owen Sherr, whose telephone number is (703) 305-0625. The Examiner can normally be reached on Mondays through Fridays from 8:30 AM - 5:00 PM.

12. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James Trammell, can be reached at (703) 305-9768. The FAX phone number for this group is (703) 746-7239.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.



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